

FILED

Jan 12, 2021

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: Browning Elader Ray III
(Last) (First) (Middle Initial)Prisoner Number: T35294Institutional Address: Kern Valley State Prison
P.O. Box 5107 Delano CA 93216

UNITED STATES DISTRICT COURT

DISTRICT OF CALIFORNIA

Elader Browning III
(Enter your full name.)

vs.

% M. Burkhardt, % M. Liddell
% K. Xiong % G. Collinsworth
% J. Hulslander % R. Sharp
(Enter the full name(s) of the defendant(s) in this action.)

1:21-cv-00041-HBK(PC)

Case No. _____
(Provided by the clerk upon filing)COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. § 1983

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.A. Place of present confinement Kern Valley State Prison, Delano CAB. Is there a grievance procedure in this institution? YES ☒ NO ☐C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: By Pass at first level and GRANTED in part
on 2/14/20 at the second level, and I was accepted
and denied at third level response IN Dec/11/2020

- 1 2. First formal level: Bypass
2 LOG NO: SAC-20-00106
3
4 3. Second formal level: Granted in part 2-14-2020
5 LOG NO: SAC-20-00106
6
7 4. Third formal level: Denied due to second level that
8 the departmental policy was properly addressed and
9 the inquiry was confidential LOG NO: SAC 2000106
10 E. Is the last level to which you appealed the highest level of appeal available to you?
11 YES ☒ NO ☐
12 F. If you did not present your claim for review through the grievance procedure, explain why.
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16 II. Parties.

- 17 A. Write your name and present address. Do the same for additional plaintiffs, if any.

18 Elrader Browning T35294
19 Kern Valley State Prison ASU #147
20 P.O. Box 5107 Delano CA 93216

- 21 B. For each defendant, provide full name, official position and place of employment.

22 % M. Burkhardt % G. Collinsworth (Sergeant)
23 % M. Liddell % K. Xiong
24 % J. Hulstander % R. Sharp
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III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

CONTINUE ON separate page 4 of 1
 On January 1st 2020 I was taken out of my cell for yard while at Newfolsam/sacramento state prison and Brutally Beating By correctional officers Mr. Burkhardt % G. Collinsworth % M. Liddell % K. Xiong % J. Hulslander % R. Sharp FOR Retaliation on a incident at KVSP where I was place in Ad-Seg for attempt murder of a Correctional officer the Guards group together on the tier and when I came out of my cell % Burkhardt slam me on to the ground where the other prison officials begin to punch and kick me while I was hand cuff Behind my Back leaving me with serious Bruises Swelling to my face and eye, mouth all of their force use that day ~~which~~ was meant to cause me harm

IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

~~150,000~~ for each defendant
 action's They was not trying to act in good faith effort to Restore discipline But with malice and sadistically cause harm for an incident that happen at Kern valley state prison on 12/21/2019 for punitive damages ~~300,000~~

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on:

1-5-2021

Date

Signature of Plaintiff

Statement of Claim Page 1 of 1

the state of mind of these group of Prison officials was unnecessary and warrant infliction of pain I was also place inside of a cell that deprive me Sanitation and Hygiene my cell was personally made by New-folsom with prisoners they felt was someone that needed to be strip of all Basic Human Needs I live in this cell for some where around 10 days in a standard that was very unconstitutional there was NO running HOT water OR Lights or power The Restrictive cell was so harsh that Sacramento Head Quarters ask for them to close Down this cell 2 weeks before they move me in side of this cell 135 I ask several times to please be move to another cell Because of the harsh living conditions and the officials that I am suing continue to act with deliberate Indifference they knew and still fail to Respond Reasonably so for around 10 days I live in a cell with Bad air Quality & Temperature with NO clothing or Bedding NO HOT running water or sanitary toilet so on top of the Eight amendment cruel & unusual punishment they put on me during my stay at Sacramento state Prison I was also deny serious medical attention that is guarantee to all Prisoner, my needs was so obvious that even a lay person would have easily Recognize the necessity for a doctor's attention.

ElRader Browning
LS-2021